SINGLE BENCH

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 4557 OF 2005

PETITIONER

Dayalu Ram Sahu, S/o. Shri Brij Lal Sahu, Aged about 56 years, Assistant Teacher, Primary School, Development Block Chhuriya, Tahsil & District Rajnandgaon, R/o. Village Sagar Tahsil & District Rajnandgaon (C.G.)

P.R. No. 46347 dt. 16/9/05
Presented by Shri Rajpal Nayak
dated 16/9/05

VERSUS

RESPONDENTS

1. The State of Chhattisgarh, Through the Secretary, Primary School Education Department, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

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2. The District Education Officer, District Rajnandgaon (C.G.)

3. The Block Education Officer, Churiya, District Rajnandgaon (C.G.)

4. The Head Master, Primary School, Sagar, Tahsil & District Rajnandgaon (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS/ CERTIORARI, ETC. OR DIRECTION / ORDER IN THE LIKE NATURE ETC.

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 4557 of 2005

Petitioner Dayalu Ram Sahu

Versus

Respondents The State of Chhattisgarh & others

**SB**: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

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Shri Roop Naik, Advocate for the petitioner.
Shri Ajay Dwivedi, Panel Lawyer for the respondents/State.

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ORDER

(Passed on this 27th day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner, while working as Assistant Teacher in Primary School, Sagar/Churia, was transferred to Primary School, Markaksa, Churia vide impugned transfer order dated 31.8.2005 (Annexure P/1) on the same district. The petitioner has impugned the transfer order mainly on the ground that the petitioner is suffering from cardic problem and getting treatment at Rajnandgaon. The transfer appears to be passed due to administrative exigency and in public interest.
2. This Court vide interim order dated 21.9.2005 directed for maintaining of status quo, as was obtained on that day, till the next date of hearing. By virtue of the status quo, the petitioner must have continued on the same place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular

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officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. This writ petition is accordingly dismissed. However, the petitioner is at liberty to move appropriate authorities for consideration of this case on humanitarian ground, if so advised. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu